THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION NO.21303 of 2006

DATED 13.10.2006

Between:
Vaddi Suryakantham and
17 others. ..... PETITIONERS

versus

The Commissioner, Municipal
Corporation, Rajahmandry,
East Godavari District and another. ..... RESPONDENTS

WRIT PETITION NO.21303 of 2006

ORDER:

The matter is coming up for admission today.

2. Heard the learned counsel for writ petitioners and also the learned Standing Counsel representing 1st respondent and the learned Government Pleader for Revenue representing 2nd respondent.

3. The Writ Petition is filed for a Writ of Mandamus declaring the action of the respondents in threatening to dispossess the petitioners from their residential plots in R.S.No.178/1A, 23rd Division, Lalacheruvu, Rajahmandry Rural Mandal, East Godavari District, in the absence of any proceedings and notice as illegal, arbitrary and violative of the principles of natural justice and contrary to Section 6(2) of A.P. Land Encroachment Act, 1905 and for a consequential direction to the respondents not to interfere with the peaceful possession and enjoyment of the residential plots of the petitioners without following the due process of law and pass such other suitable orders.

4. The petitioners are complaining relating to the threat of their

dispossession from the residential huts of the subject matter of the Writ Petition without following the procedure. It is stated that the petitioners raised the huts and small houses and they have been residing therein for the last about 35 years with their families. Several other factual details also had been narrated in the affidavit filed in support of the Writ Petition.

5. In the facts and circumstances, it is needless to say that the respondents are bound to follow due process of law before initiating any action against the petitioners. Hence, this Court is of the considered opinion that the Writ Petition be disposed of directing the respondents not to dispossess the petitioners from the subject matter of the Writ Petition except by following due process of law.

6. With the direction indicated above, the Writ Petition is disposed of. No costs.

13.10.2006

SSR
Issue operative portion of the order copy by wire at parties' costs.

(BO)